

**STATE OF MAINE  
PUBLIC UTILITIES COMMISSION**

Re: Maine Public Utilities Commission,  
Investigation Into the Rate Design of  
the Transmission and Distribution Utilities

**STIPULATION**

Docket No. 2001-245

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The undersigned, being all of the parties to this proceeding, hereby agree and stipulate as follows:

**I. PURPOSE**

The purpose of this Stipulation is to settle all issues in this proceeding relating to Maine Public Service Company ("MPS"), to avoid a hearing on those issues raised in this case and to expedite the Public Utilities Commission's consideration and resolution of the proceeding. The provisions agreed to herein have been reached as a result of information gathered through discovery and discussions among the parties in this case.

**II. PROCEDURAL BACKGROUND**

1. On July 16, 2002, MPS filed a Motion to be permitted to withdraw or be released from this proceeding. MPS stated as the grounds for its Motion that its service territory was located in a retail energy market that was distinct from those of Bangor Hydro-Electric Company and Central Maine Power Company, the other two subjects of this investigation. As a result, MPS's new management wished to reconsider its rate design options and, at this time, avoid promoting any billing structures that might limit or conflict with those options. At a Settlement Conference on July 26, 2002, those parties present agreed that MPS should be allowed to withdraw from this investigation.

### III. APPROVALS AND FINDINGS BY COMMISSION

Based upon the record in this case, the parties to this Stipulation agree and recommend that the Commission conclude MPS's involvement in this proceeding by issuing an order which approves, accepts and adopts this Stipulation, including the following provisions:

1. That MPS be allowed to withdraw from this investigation and, except for the Order approving this Stipulation, that MPS shall not be included in or be subject to any further order that the Commission may issue in this proceeding.
2. That nothing in this Stipulation, or the Order approving it, shall be deemed to prohibit MPS from proposing in any future proceeding or investigation, any rate design that is similar to, or that incorporates any of the economic theories or rate design principles underlying, its rate design proposals in this proceeding as set forth in the April 15, 2002 Prefiled Direct Testimony of Ward D. Gerow and John B. Wagner.

### IV. PROCEDURAL STIPULATIONS

#### PROCEDURAL STIPULATION

1. Staff Presentation of Stipulation. The parties to the Stipulation hereby waive any rights that they have under 5 M.R.S.A. ' 9062(4) and Section 742 of the Commission Rules of Practice and Procedure to the extent necessary to permit the Advisory Staff to discuss this Stipulation and the resolution of this case with the Commissioners at the Commission=s scheduled deliberations, without providing to the parties an Examiners Report or the opportunity to file Exceptions.
2. Record. The record on which the parties enter into this Stipulation and on which the

Commission may base its determination whether to accept and approve this Stipulation shall consist of [list all documents to be considered part of the Record in the case] (a) this Stipulation; (b) all prefiled testimony and exhibits; (c) all documents and information provided in responses to written or oral data requests; and (d) the transcripts of any Technical Conferences and any other material furnished by the Advisory Staff to the Commission, either orally or in writing, to assist the Commission in deciding whether to accept and approve this Stipulation.

3. Non-Precedential Effect. This Stipulation shall not be considered legal precedent, nor shall it preclude a party from making any contention or exercising any rights, including the right of appeal, in any future Commission investigation or proceeding or any other trial or action. 4.

Stipulation as Integrated Document. This Stipulation represents the full agreement between the parties to the Stipulation and rejection of any part of this Stipulation constitutes a rejection of the whole.

5. Void if Rejected. If not accepted by the Commission in accordance with the provisions hereof, this Stipulation shall be void and of no further effect and shall not prejudice any position taken by any party before the Commission in this proceeding and shall not be admissible evidence therein or in any other proceeding before the Commission.

6. Waiver of Reconsideration or Appeal. The parties to this Stipulation hereby waive their rights to request reconsideration pursuant to Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R. 110), to appeal pursuant to 35-A M.R.S.A. § 1320, or to otherwise seek reconsideration or judicial review of any Commission Order approving this Stipulation.

Respectfully submitted this 26<sup>th</sup> day of July, 2002.

**Maine Public Service Company**

By: \_\_\_\_\_  
Stephen A. Johnson

**Office of the Public Advocate**

By: \_\_\_\_\_  
Stephen G. Ward

**Bangor Hydro-Electric Company**

By: \_\_\_\_\_  
Andrew Landry

**Central Maine Power Company**

By: \_\_\_\_\_  
Kenneth Farber

**S.D. Warren Company  
Calpine Construction Finance Company, and  
FPL Energy Maine**

By: \_\_\_\_\_  
Patrick J. Scully

**Independent Energy Producers of Maine**

By: \_\_\_\_\_

Beth A. Nagusky

**Independent Energy Consumers Group**

By: \_\_\_\_\_  
Anthony W. Buxton

**Natural Resources Council of Maine**

By: \_\_\_\_\_  
Susan B. Jones

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